

REMARKS

Claims 1-29 are pending in this application. By this Amendment, claims 1, 21, 22 and 23 are amended to distinguish over the applied references and new claims 24-29 are added. No new matter has been added by this amendment. Reconsideration in view of the forgoing amendments and following remarks is respectfully requested.

The courtesies extended to Applicant's representative by Examiner Pokrzywa during the August 26 personal interview and the September 15 telephone interview are appreciated. Applicants' separate record of the substance of the interview are incorporated into the remarks below and constitute Applicants' record of the interview.

Applicants appreciate the Office Action's indication that claims 12-20 would be allowable if rewritten to incorporate the features of the independent claim and any intervening claims, however, for the reasons discussed herein, Applicants respectfully submit that all pending claims 1-29 are in a condition for allowance.

The Office Action rejects claims 1-5, 7-11 and 21-23 under 35 U.S.C. §102(e) over U.S. Patent 5,884,117 to Tanoue et al.; and rejects claim 6 under 35 U.S.C. §103(a) over Tanoue et al. in view of U.S. Patent 5,826,133 to Saito et al. Applicants respectfully traverse the rejections.

In particular, Applicants submit that Tanoue et al. fails to disclose or suggest a multi-functional device comprising, *inter alia*, a control panel having a front end substantially in coincidence with the front side of said outer casing, a rear end opposing the front end, and a lower surface, wherein said reading section is disposed on the lower surface of said control panel and pivotable together with said control panel, wherein the control panel faces frontward when the space is defined above the recording section, as recited in independent claims 1, 21 and 22.

In Tanoue et al., when the space is defined above the recording section, that is when the reading section and control panel are pivoted outward and downward in relation to the casing, the control panel faces downward. This is because in the apparatus of Tanoue et al., the control panel resides primarily on the front of the device rather than on the top of the device, as in the invention defined by claims 1, 21 and 22. Therefore, the control panel is not accessible in Tanoue et al. when the space is defined. In view of this distinction, Applicants respectfully submit that claims 1, 21 and 22 are patentable over Tanoue et al. Claims 2-5 and 7-11 are patentable over Tanoue et al. for at least the same reasons as claim 1.

Regarding claim 23, Applicants submit that Tanoue et al. fails to disclose or suggest a multi-functional device in which, the document discharge tray initially moves integrally with the pivoting movement of said reading section, and after said document discharge tray has moved integrally with the pivoting movement of said reading section for a predetermined angle, said document discharge tray pivots in a direction opposite the pivoting direction of said reading section as said reading section pivots further, as recited in claim 23.

As admitted by the Examiner during the September 15 telephone interview, Tanoue et al. only teaches one direction of pivoting movement. Therefore, Applicants respectfully submit that claim 23 is patentable over Tanoue et al. Claims 24-29 through are patentable over Tanoue et al. for at least the same reasons as claim 23.

The Office Action relies upon Saito et al. in the rejection of claim 6. However, Applicants submit that Saito et al. fails to supply the deficiencies of Tanoue et al. with respect to independent claim 1. Therefore, Applicants submit that claim 6 is patentable over the combination of Saito et al. and Tanoue et al.

In view of the forgoing, Applicants respectfully request that the rejection of claims 1-5, 7-11 and 21-23 under 35 U.S.C. §102(e) and the rejection of claim 6 under 35 U.S.C. §103(a) be withdrawn.

Applicants respectfully submit that this application is in condition for allowance.

Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:PDM/ccs

Attachments:

Petition for Extension of Time
Amendment Transmittal
Request for Continued Examination

Date: October 6, 2003

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